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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,710	03/20/2002	Herve Richard	DEB -734US	2327
7590	11/16/2004		EXAMINER	
Allan Ratner Ratner & Prestia One Westlakes Berwyn Suite 301 PO Box 980 Valley Forge, PA 19482-0980			BUMGARNER, MELBA N	
			ART UNIT	PAPER NUMBER
			3732	
DATE MAILED: 11/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/088,710

Applicant(s)

RICHARD, HERVE

Examiner

Melba Bumgarner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 11 and 16 is/are allowed.
- 6) ☒ Claim(s) 8, 9, 12, 13, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 10, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The indicated allowability of claims 8 and 9 in the last office action is withdrawn upon further review, the following is the action on the merits.

#### ***Claim Objections***

2. Claims 6-10, 14, and 15 are objected to because of the following informalities: in claims 6, 8, 9, “the coaxial annular surface of a first coupling portion” should read –a coaxial annular surface . . .--, in claim 7, “passages” should be singular, in claim 10, “the handpiece body” lacks sufficient antecedent basis, in claims 14 and 15, “grooves circular in cross-section” should read similar to –grooves with circular arc-shaped cross-section—.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuilleron (4,861,201) in view of Dodge (2,514,227). Cuilleron discloses a handpiece for driving continuous rotation of a tool, including a drive shaft mounted to rotate around a longitudinal axis in a longitudinal bore of the handpiece and made up of a primary shaft and a secondary shaft which are coaxial, coupled together in series by a torque limiter means, the means including a male coupling portion constrained to rotated with a first shaft 1 of a pair of shafts comprising the primary and secondary shafts and having a coaxial annular outside surface, a female coupling

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portion constrained to rotate with a second shaft of the pair and having a coaxial annular inside surface overlapping the coaxial annular outside surface, a series of coupling cavities 1b distributed annularly over a coaxial annular surface of a first coupling portion of the pair of coupling portions comprising the male and female coupling portions, at least one rotary coupling member 5 with a rotation axis parallel to the longitudinal axis, mounted to slide radially in a transverse passage 2d of a second coupling portion of the pair of coupling portions, spring loaded by spring means toward the coaxial annular surface of the first coupling portion and adjusting means accessible by the user 10, as shown in figure 2; however Cuilleron does not show the transverse passage(s) oriented obliquely to the radial directions. Dodge teaches a torque limiter means comprising transverse passages 21' oriented obliquely to the radial directions, figure 4. It would have been obvious to one of ordinary skill in the art to modify the torque limiter means of Cuilleron to have the transverse passages oriented obliquely to the radial directions as in Dodge in order to transmit greater torque before releasing in one direction of rotation than in the other in view of Dodge. It would have been an obvious matter of choice to one of ordinary skill in the art to call portions of the handpiece as claimed a main body, neck and head, and the torque limiter means in the neck.

5. Claims 9, 13, and 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Kato (3,827,260). Kato discloses a handpiece for driving continuous rotation of a tool, including a drive shaft mounted to rotate around a longitudinal axis in a longitudinal bore of the handpiece and made up of a primary shaft and a secondary shaft which are coaxial, coupled together in series by a torque limiter means, the means including a male coupling portion constrained to rotated with a first shaft 4 of a pair of shafts comprising the primary and secondary shafts, having

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a coaxial annular outside surface, and the male coupling portion is constituted by the distal end of the primary shaft, a female coupling portion constrained to rotate with a second shaft 1 of the pair, having a coaxial inside surface, and the female coupling portion is a coupling ring mounted to overlap the adjacent ends of the primary shaft and the secondary shaft and coupled to the secondary shaft as a unitary structure, a series of coupling cavities 2 distributed annularly over a coaxial annular surface of a first coupling portion of the pair of coupling portions comprising the male and female coupling portions, coupling balls 11 with a rotation axis parallel to the longitudinal axis, mounted to slide radially in a transverse passages 3 of a second coupling portion of the pair of coupling portions which opens into an axial bore, adjusting means accessible to the user, a bearing portion is mounted to slide axially in the axial bore and has a frustoconical part 9 in contact with the coupling balls and a compression spring 10 is engaged axially between the bearing portion and a calibration screw 6 functionally engage in a screwthreaded section 7 in the axial bore. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the coupling ring as a separate piece attached to the secondary shaft, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177,179. It would have been an obvious matter of choice to one of ordinary skill in the art to call portions of the handpiece as claimed a main body, neck and head, and the torque limiter means in the neck.

***Allowable Subject Matter***

6. Claims 2-7, 11, and 14-16 are allowed. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

7. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eaves et al. (3,727,432) is cited to show the state of the art with respect to torque limiter means.

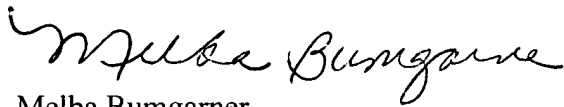
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709.

The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached at 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Melba Bumgarner". The signature is fluid and cursive, with the first name "Melba" and last name "Bumgarner" clearly distinguishable.

Melba Bumgarner  
Patent Examiner